

REMARKS

Status of the Application

Claims 22 and 24-34 are all the claims pending in the application. Claims 27-31 are allowed. Claims 22, 24, 25 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck et al. (US 2004/0166895) in view of Tomov (DE 3311716). Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck et al. (US 2004/0166895) and Tomov (DE 4411716) in view of Silverbrook et al. (US 6,405,055). Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck et al. (US 2004/0166895) and Tomov in view of Stephenson (US 6,241,351).

By this Amendment, Applicants hereby cancel claims 22, 24-26 and amend claims 29, and 32-33.

Preliminary Matters

As an initial matter, Applicants hereby challenge the finality of the Office Action. Claim 22 was merely amended to incorporate the subject matter of claim 23. Claim 23 was previously rejected over Koenck alone. Therefore, the Examiner could have previously rejected the now pending claim 22 over the newly cited art but failed to do so. To make the rejection final at this juncture would be prejudicial to Applicants. Therefore, Applicants respectfully request that the present claim amendments be entered as a matter of course.

Further, Applicants note that claim 29 was listed as being allowed in the Office Action. However, claim 29 depended from rejected base claim 22. When this discrepancy was brought to the Examiner's attention in a telephone call on January 6, 2009, the Examiner indicated that claims 29, as well as claims 32 and 33 were intended to be *objected to* as being dependent from a

rejected base claim, but would be allowable if rewritten in independent form. Therefore, the following comments take into account the revised status of claims 29, 32 and 33.

Allowable Subject Matter

Claims 27, 28, 30, 31 and 34 are allowed.

Claims 29, 32 and 33 are objected to as being dependent from a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for indicating that claims 27, 28 30, 31 and 34 are allowed. Applicants further thank the Examiner for indicating that claims 29, 32 and 33 would be allowable if rewritten in independent form. Applicants hereby write claims 29, 32 and 33 in independent form to place the claims in condition for immediate allowance.

Because the remaining claims are hereby canceled in the instant application, Applicants respectfully submit that the application is in condition for immediate allowance.

Claim Rejection - 35 USC § 103

Claims 22, 24, 25 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck et al. (US 2004/0166895) in view of Tomov (DE 4411716).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck et al. (US 2004/0166895) and Tomov (DE 4411716) in view of Silverbrook et al. (US 6,405,055).

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck et al. (US 2004/0166895) and Tomov in view of Stephenson (US 6,241,351).

Applicants hereby cancel claims 22, 24-26 and 32-33, rendering each of the above rejections moot. Withdrawal of the rejections is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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